

Application No. 10/010,7090
Reply to Office Action of July 28, 2005

REMARKS

The Applicant notes that the time period for response as indicated on page 7 of the office action was set for three months from the date of mailing of the office action, although the second page indicated the response was one month. The Examiner has confirmed that the time period for response is three months, thus it is believed no extension of time request or fee is due. Please also note that a power of attorney was faxed to the After Final fax number on September 13, 2005, appointing the current representative.

The Examiner noted that the prior amendment did not comply with 37 CFR 1.173(g) which indicates claims must be amended relative to the claims in effect at the as of the date of filing of the reissue, in that "allowed" is not a permitted indicator. The current amended indicates the claim was "previously amended."

The Examiner has objected to amendments to the specification which removed reference to SEQ ID NOs in the specification. The deleted matter has been re-inserted into the specification with this amendment. Reference that was previously added by amendment regarding substitutions at positions 10 or 12 has been deleted with this amendment. Thus it is believed the new matter objections have been overcome. These amendments are made to the specification in compliance with MPEP §1453.

The comma following "7" in claim 8 has been deleted with this amendment, as requested.

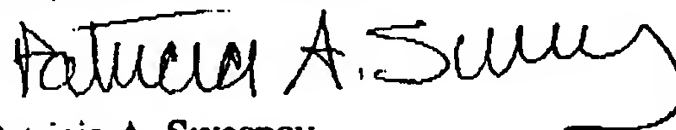
The Applicant appreciates the Examiner's withdrawal of the rejection of claims 20-21 under section 112. The claims are rejected under section 112 as indefinite in recitation of "causing a protein" to be expressed in the cell or seed. The Applicant has amended the language of the claim to provide clarity, and claims 20 and 21 now recite a method in which a cassette of claim 6 is transformed into the plant such that the protein is expressed in the cell. An inducible promoter is not required, since the step of transforming the cassette into the plant will result in expression. Claims 20 and 21 are amended to depend from the cassette of claim 7, thus providing antecedent basis for recitation of the cassette.

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A supplemental reissue oath/declaration accompanies this amendment and incorporates the language proposed by the Examiner. Also enclosed is a copy of the assignment and Statement under 37 C.F.R. §3.73(b).

Claims 1-21 are indicated to be free of the prior art. Since the amendment does not enter any new matter and adopts the Examiner's proposals, and places the claims in condition for allowance, entry of the amendment is respectfully requested, and reconsideration and allowance of the claims.

Respectfully submitted,



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